

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARGO H. LECHNER,

Plaintiff,

v.

THE BOEING COMPANY,

Defendant.

No.

NOTICE OF REMOVAL

**TO: THE CLERK AND HONORABLE JUDGES OF THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON**

Pursuant to 28 U.S.C. §§ 1331, 1332, 1441 and 1446, Defendant The Boeing Company
("Boeing") hereby removes this action to this Court from the Superior Court of the State of
Washington for Snohomish County. In support of this Notice, Boeing respectfully states:

STATE COURT ACTION

1. Plaintiff Margo H. Lechner ("Plaintiff") commenced this action on or about
August 21, 2015, by filing the Summons and Complaint in the Superior Court of the State of
Washington for Snohomish County, where it was assigned Case No. 15-2-05657-1. Boeing was
served with the Summons and Complaint on August 24, 2015. No further proceedings in this
matter have been had in the Superior Court.

NOTICE OF REMOVAL (No.) – 1

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1 2. Plaintiff's Complaint attempts to claim disability discrimination, retaliation, and
 2 failure-to-hire. Complaint ("Compl.") ¶ I.2. Plaintiff seeks "reinstatement of job offer, for wage
 3 and compensatory damages in the form of actual lost wages at \$70,000 per year for two years,
 4 totaling \$140,000 with pre-judgment interest, back pay, front pay, lost employee benefits, and for
 5 lost company-paid retirement fund contributions"; and "reasonable non-wage damages for
 6 mental anguish, emotional distress, loss of enjoyment of life, any future time/wage loss in
 7 current employment, and future reasonable attorney fees, and court costs." Compl. ¶¶ II.1–2.

15 **GROUND FOR REMOVAL**

16 3. This action is removable under 28 U.S.C. § 1441(a) and (b) because the Court has
 17 original jurisdiction under 28 U.S.C. § 1332. Diversity jurisdiction exists because the parties are
 18 completely diverse and the amount in controversy exceeds \$75,000. Finally, this Notice is timely
 19 filed and all other procedural requirements are met.

24 **Complete Diversity of Citizenship**

25 4. Plaintiff alleges that she is a resident of King County, Washington. Compl. ¶ I.1.
 26 Thus, Plaintiff is a citizen of Washington.

27 5. Boeing is a corporation organized and existing under the laws of Delaware.
 28 Boeing's headquarters and principal place of business are located in Chicago, Illinois. Boeing is
 29 thus a citizen of Delaware and Illinois. *See* 28 U.S.C. § 1332(c)(1).

30 6. Complete diversity of citizenship exists between the parties for purposes of
 31 diversity jurisdiction under 28 U.S.C. § 1332(a).

38 **Amount in Controversy**

39 7. The Court should conclude based on a preponderance of evidence that Plaintiff's
 40 claims involve an amount in controversy in excess of \$75,000, exclusive of interest and costs. A
 41 removing defendant may make the requisite showing that Section 1332's jurisdictional threshold
 42 of \$75,000 is satisfied by either (1) demonstrating that it is facially apparent from the complaint
 43 that the claims likely exceed \$75,000 or (2) setting forth facts in the notice of removal that

1 support a finding of the requisite amount under a preponderance of evidence standard. *See*
 2 *Guglielmino v. McKee Foods Corp.*, 506 F.3d 696, 699 (9th Cir. 2007); *see also* LCR 101(a). By
 3 the statements contained in this Notice of Removal, Boeing does not concede that Plaintiff is
 4 entitled to any damages.
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 8 8. It is clear from the face of Plaintiff's Complaint that her claim exceeds \$75,000.
 9 Among other damages, Plaintiff seeks back pay for wage and compensatory damages in the form
 10 of actual lost wages at \$70,000 per year for two years, totaling \$140,000 with prejudgment
 11 interest, back pay, front pay, lost employee benefits, and for lost company-paid retirement fund
 12 contributions. Compl. ¶ II.1. Plaintiff's claim for compensatory damages alone thus exceed the
 13 \$75,000 threshold required for diversity jurisdiction under 28 U.S.C. § 1332.
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 15

16 9. The nature of Plaintiff's claimed damages for the alleged violations of state law
 17 leaves no doubt that a reasonable person would conclude that the amount in controversy here
 18 exceeds the \$75,000 required for diversity jurisdiction. Thus, based upon a preponderance of the
 19 evidence, Boeing has satisfied its burden to establish that the amount in controversy exceeds
 20 \$75,000. This Court therefore has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).
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 22

23 ACTION REMOVABLE

24 10. This action is removable to this Court under 28 U.S.C. § 1441 because this Court
 25 would have had original jurisdiction over Plaintiff's claims had Plaintiff filed the action initially
 26 in federal court. This Court is the district court of the United States for the district and division
 27 "embracing the place where [the state court] action is pending," and is therefore the appropriate
 28 court for removal. 28 U.S.C. § 1441(a).
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31 11. This Notice is filed with the Court within thirty (30) days after receipt by Boeing
 32 of the Complaint, in accordance with 28 U.S.C. § 1446(b).
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35 INTRADISTRICT ASSIGNMENT

36 12. Boeing chooses to remove this action to the Seattle Division of this Court because
 37 Plaintiff initially filed this action in Snohomish County. *See generally* Compl.
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43 NOTICE OF REMOVAL (No.) – 3
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PLEADINGS FILED

13. Copies of all process and pleadings filed in this case and found in the files of the Superior Court of the State of Washington for Snohomish County are attached to the Verification of State Court Record filed with this Notice. *See* LCR 101(b).

DATED: September 3, 2015

By: *s/ Chelsea Dwyer Petersen*

By: *s/ Emily A. Bushaw*

Chelsea Dwyer Petersen, WSBA No. 33787

Emily A. Bushaw, WSBA No. 41693

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Attorneys for Defendant The Boeing Company

CERTIFICATE OF SERVICE

On September 3, 2015, I caused to be served upon counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the following document(s):

NOTICE OF REMOVAL

Margo H. Lechner
PO Box 5618
Kent, WA 98064
Telephone: (206) 678-6390

Pro Se Plaintiff

- ☐ Via hand delivery
☒ Via U.S. Mail, 1st Class,
Postage Prepaid
☐ Via Overnight Delivery
☐ Via Facsimile
☐ Via E-filing

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: September 3, 2015

s/ Mary Klemz

Mary Klemz
Legal Secretary